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IMPACT OF TERM LIMITS ON THE MICHIGAN LEGISLATURE

Michigan was part of a national term limitation movement that swept across the nation between 1990-2000. During that decade 21 states adopted state legislative term limits. Every state that permitted state constitutional amendments to be placed on the ballot by initiative petition adopted state legislative term limits during that decade. No new states have adopted state legislative term limits since 2000. Four states that once had term limits had them thrown out by their State Supreme Court. Only two states adopted term limits statutorily, not by constitutional amendment, in both those states term limits have been repealed by a subsequent legislature. Today only 15 states still have

state legislative term limits. Michigan was one of those states in 1992 when a petition drive placed a term limit constitutional amendment on the ballot as "Proposal B". Proposal B was adopted with a 58% Yes vote of state voters.

The constitutional amendment not only imposed term limits on state senators and state representatives in the legislature. It also imposed term limits for the first time on the following elected statewide officers in Michigan: governor, lieutenant governor, secretary of state and attorney general. Individuals elected to each office can only be elected to two-four year terms. Filling a vacancy counts as one term only if the shorten term is more than half of the four-year term for that office. Term limits for these statewide offices are a **lifetime** limit for each office.

Proposal B also attempted to impose term limits on Michigan's two U.S. Senators and members of the U.S. House of Representatives from Michigan. Both U.S. Senators and U.S. Representatives were to be limited under this amendment to serve no more than 12 years in any 24- year time period. The U. S. Supreme Court in *U.S. Term Limits v Thornton* (1995) ruled that a Missouri constitutional amendment similar to Michigan's was unconstitutional and invalid. The Court ruled that a state constitution couldn't impose qualifications for candidates for the U.S. Congress stricter than those imposed on U.S. Senators and U.S. Representatives in the U.S. Constitution. So term limits for federal lawmakers in the Michigan constitution are unenforceable and invalid.

Term limits greatest impact in Michigan is on the state legislature. State senators are limited to serving two-four year terms. State representatives are limited to serving three-two year terms. Lawmakers elected to fill vacancies and who serve more than half a full term have that shorten term count as one term of the limit for that office. Term limits are a **lifetime** limit for that office.

State legislative term limits across the nation are **not** created equal.

In only six states that adopted state legislative term limits between (1990-2000) were those limits, lifetime bans. Most states with state

legislative term limits are merely limits on legislators serving consecutive terms.

In Ohio, for example, a legislator can serve four-two year terms in the state house. That legislator is merely required to sit out service in the state house for four years then that former lawmaker can run again for the state house and serve another four-two year terms in the state house. A termed-out Ohio state representative can run and serve two-four year terms in the state senate and after completing eight years in the state senate that senator can go back and run again for the state house. That limit on consecutive terms of office is the norm amongst states adopting state legislative term limits.

Back in the early 1990's three states had the most draconian state legislative term limits: California, Arkansas and Michigan. Service in the lower house was three-two year terms. Service in the state senate was two-four year terms. All three states imposed lifetime limits on service in each legislative chamber.

In 2012 California amended their Constitution to allow a state legislator to spend all 12 years of a life time limit (down from the previous 14 year total) in either legislative chamber. All 12 years in the state assembly or all 12 years in the state senate or 12 years split between the two chambers.

In 2014 voters in Arkansas amended their Constitution similar to California's 2012 change, but they increased the life time limit total from 14 years to 16 years. Under the new amendment all 16 years can be served in the state house or all 16 years can be served in the state senate or the 16 years can be split between the two legislative chambers.

Now Michigan alone has the most draconian state legislative term limits in the nation.

What California and Arkansas will likely see in the future is that legislators, particularly in the lower house, will gain more experience before achieving committee and caucus leadership positions.

Legislators will be less likely to chair committees in their very first term in office. Leadership ladders, that was common in the legislature before term limits may return. Only after a few terms serving on a committee and demonstrating knowledge and leadership will legislators receive committee chairmanships. They are also likely to see legislators acquiring specialized expertise on issues that those legislators did not have before they were first elected.

Freshman legislators will not be out organizing leadership campaigns to run for Speaker at the end of their first term. Legislators may be less inclined to plot as aggressively their path to that next office ahead in their career.

Senior legislators may be more inclined to mentor newer members. Legislators may actually meet and work with lawmakers from across the aisle since legislative service will extend beyond a mere six years. Bi-partisan friendships may even become normal.

The seemingly unquenchable demand to raise campaign dollars for leadership races and for that next office may become less. In sum, legislative organization, leadership and the culture will change. For lobbyists developing relationships with individual legislators not just the leadership may return with the replacement of the six-year revolving door of constant new faces.

This would be a reasonable reform for the Michigan legislature.

No state has ever given voter approval to an outright repeal of legislative term limits. Current polling shows Michigan voters not inclined to repeal term limits, but the California and Arkansas term limit modifications might serve as a winnable reform model.